

REMARKS

Claims 1-11 are pending in the application. Claims 1 and 7-11 have been amended herein. Favorable reconsideration of the application is respectfully requested in view of the amendments to the claims and following comments.

Applicants thank the Examiner for conducting a telephone interview on February 5, 2010 and February 8, 2010 for purposes of discussing the recited claim limitations. During the interview, the Examiner explained her position regarding the definiteness of the claim language. As described in more detail below, claims 1 and 7-11 have been amended to address these issues. Applicants respectfully submit that such amendments do not affect the scope of the claims in that the substance of the original claims has remained unchanged.

I. REJECTION OF CLAIMS 1-11 UNDER 35 U.S.C. § 112, second paragraph

Claims 1-11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, with respect to independent claims 1 and 7-11, the Examiner states that the interrelation/interconnection between steps (c1) and (c2) and between steps (d1) and (d2) is unclear. Furthermore, the Examiner states that the use of the terms “physical sector” and “unrecorded physical sector” throughout the various steps is confusing.

With exemplary reference to claim 1, independent claims 1 and 7-11 have each been amended so as to recite with more particularity the interrelation/interconnection between steps (c1) and (c2) and between steps (d1) and (d2). More specifically, the terms “physical sector” and “unrecorded physical sector” present throughout such claims have been more explicitly associated with the step(s) to which they refer. The steps of the claimed subject matter are exemplified in the specification at Figure 14B and the accompanying description thereof (e.g., page 36, line 10 – page 38, line 12).

For example, in claim 1, such amendments clarify that the physical sector recited in steps (c2), (c31), and (c32) is the same as the physical sector recited in step (c1), and that the step of verifying the data that has been written (c3) refers the writing of data from step (c1). Steps (d2) – (d32) are similarly amended. Furthermore, step (d1) and (d31) have been amended to distinguish the physical sector of step (d1) from the physical sector of step (c1), and to distinguish the additional unrecorded physical sector of step (d31) from the unrecorded physical sector of step (d1).

The Examiner also states that claims 8 and 11 are apparatus claims that are deficient because they do not recite a plurality of means, elements, devices, circuits or units in the body of the claim. Claims 8 and 11 have each been amended so as to be directed to a system controller including a semiconductor integrated circuit and memory. For example, amended claim 8 recites:

*A system controller including:
a semiconductor integrated circuit and a memory for use in a
recording apparatus for writing data on a write-once disc,...
the semiconductor integrated circuit in the system controller is
configured to control a drive mechanism...*

Support for this amendment may be found, for example, at page 19, lines 18-22 and Figure 5 of the Application.

As amended, claims 8 and 11 each recite a system controller invention including a semiconductor integrated circuit and a memory in which the steps of the process are performed by the semiconductor integrated circuit component. Therefore it is respectfully submitted that claims 8 and 11 are appropriate apparatus claims.

In view of the amendments to independent claims 1 and 7-11, Applicants respectfully submit that the claims clearly recite the features of the present invention. Applicants therefore request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

II. CONCLUSION

The claims were not rejected on substantive grounds, and therefore should now be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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